

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Richmond Division

RODNEY M. POWELL,  
Plaintiff,

v.

Civil Action No. 3:19cv811 (DJN)

OFC. HAMMOND,  
Defendant.

**MEMORANDUM OPINION**

This matter comes before the Court on its own initiative. By Memorandum Order entered on November 29, 2019 (ECF No. 2), the Court conditionally docketed this civil action filed by Plaintiff Rodney M. Powell (“Plaintiff”). At that time, the Court directed Plaintiff to affirm his intention to pay the full filing fee by signing and returning a consent to the collection of fees form. The Court warned Plaintiff that a failure to comply with the above directive within thirty (30) days of the date of entry thereof would result in summary dismissal of the action.

Plaintiff has not complied with the Court’s order to return a consent to collection of fees form. As a result, he does not qualify for *in forma pauperis* status. Furthermore, he has not paid the statutory filing fee for the instant action. *See* 28 U.S.C. § 1914(a). Plaintiff’s conduct demonstrates a willful failure to prosecute. *See* Fed. R. Civ. P. 41(b). Accordingly, this action will be hereby DISMISSED WITHOUT PREJUDICE.

Let the Clerk file a copy of this Memorandum Opinion electronically, notify all counsel of record, and send a copy to Plaintiff at his address of record.

  
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/s/  
David J. Novak  
United States District Judge

Richmond, Virginia  
Date: *January 22, 2020*